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U.S. Citizenship
and Immigration
Services

B9

JAN 18 2005

FILE:

EAC 03 148 54102

Office: VERMONT SERVICE CENTER

Date:

IN RE:

Petitioner:

Beneficiary

PETITION:

Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Acting Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native of Romania and a citizen of Canada who is seeking classification as a special immigrant pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as the battered spouse of a United States citizen.

The director denied the petition, in part because the petitioner remarried prior to the filing of the Form I-360. The director further denied the petition, finding that the petitioner had failed to establish any of the requisites set forth in the regulation at 8 C.F.R. § 204.2(c)(1)(i). On appeal, counsel for the petitioner indicated that he would submit a brief within sixty days of filing the appeal. On August 24, 2004, counsel for the petitioner wrote the AAO to indicate that he would not be submitting a brief because the petitioner had been deported to Canada where she is awaiting the adjudication of a Form I-130.

The petitioner failed to address specifically all of the grounds for denial set forth in the decision of the director.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.